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JUN 29 2001

In re Application of: Henryk Oleksy
Application No.: 09/477,858
Filed: January 5, 2000
For: PROCESS FOR CONTOUR
MACHINING OF METAL BLOCKS

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition, filed May 25, 2000 under 37 C.F.R. §102(c) and M.P.E.P. § 708.02(VI): Energy, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section VI, must be accompanied by a showing that the application is for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances etc. Such petitions should be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) or (B) set forth above.

The petition does not meet the requirements for special status in that there is no showing that the invention materially contributes to the discovery, development, conservation or more efficient utilization of energy resources as required in (A) or (B). Applicant indicates that the invention increases the efficient utilization of energy resources by increasing the availability of energy resources within the required time frame for construction of new energy resources and contributes to the more efficient utilization of energy sources by reducing the lead time required for new power plants. Applicant further indicates that the invention will contribute to the development or conservation of energy resources by permitting faster construction of new power plants. However, the increase in availability of a resource does not, without more, alter the efficiency of the output or use of the resource. Efficiency is a measure of the amount of useful

energy delivered by a system compared to the amount supplied to it, not just a measure of the amount supplied. As a result, it is not clear how the invention materially contributes to more efficient utilization of resources. With regard to the faster construction of new power plants, applicant asserts that a skilled machinist would take an estimated 20 working days to prepare the root section and blade yet indicates that plants take anywhere from 2-10 years to build. It is not seen where a reduction from 20 days down to an unspecified amount of computer controlled machine time, dependent on the number of machines available, materially alters the development of energy resources considering the long construction time period. Considering also that such machining can be done in parallel with some other construction activities, it is not clear how the invention materially contributes to development of energy resources.

The petition is DENIED.

Should applicant desire reconsideration, he/she should supplement this petition by a declaration or statement giving the information as outlined above.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.



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